

## **REMARKS**

### **Remarks About The Allowed and Allowable Claims:**

Applicants gratefully acknowledge the Examiner's statement that claim 14 is allowed, that claim 6 and 7 would be allowed if amended to overcome the rejection made under 35 USC 112(2), and that claim 23 would be allowed if rewritten in independent form. In response, Applicants have amended claim 6 to recite an "insert," thereby overcoming the rejection under 35 USC 112(2). Accordingly, claims 6 and 7 are now in condition for allowance.

### **Remarks About the Drawing Objections:**

Applicants also gratefully acknowledge the Examiner's careful examination of the specification and drawings, and the notice concerning the lack of reference number "4.1" in the drawings as recited in paragraph 22. Rather than amend the drawings, as suggested by the Examiner, Applicants have simply deleted the recitation of "4.1" in the Specification. Accordingly, the objection has been overcome and notice to that effect is earnestly solicited.

### **Written Statement As To Substance of Interview:**

Applicants gratefully acknowledge the Examiner's courtesy in conducting a telephone interview with the undersigned attorney on April 22, 2009. During the interview, the parties discussed claim 19 in view of the outstanding prior art rejection. In particular, the undersigned attorney advanced the arguments for patentability as presented below. The Examiner took the arguments under consideration, but indicated that she may want to conduct further searching before reaching a final determination regarding patentability.

### **Remarks About the Rejections of Claims 19-22 and 24-27:**

The Examiner has rejected claims 19-22 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,011,821 to Neal ("Neal") in view of U.S. Patent No. 3,266,840 to D'Estrube ("E'Estrube"). In addition, the Examiner rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Neal in view of D'Estrube and U.S. Patent No. 586,276 to Seelinger ("Seelinger").

As Applicants have previously asserted, Neal discloses a socket including a bushing formed from an elastomeric material which is press-fit within a sleeve (Neal at Col.1, lines 59-60). The upper ends of the legs scrub tightly against the inside of the bushing walls for substantially the entire length of the bushings to form a solid and relatively wobble-free interconnection between the top unit and the legs (Neal at Col.2, lines 8-15). As such, Neal discloses an elastomeric mounting component designed to eliminate movement or rotation relative to the leg or socket, and teaches against any auxiliary engagement components between the socket and leg. As acknowledged by the Examiner, Neal fails to teach a pin on the leg or a mounting component comprising a helical engagement member (Office Action at 3). Of course, Neal then also fails to teach a pin that does not penetrate beyond an outer surface of the mounting component. Contrary to the Examiner's assertions, D'Estrube does not supply the deficiencies of Neal.

At the outset, Applicants note that claim 19 now recites that "the mounting component further comprises a *helical* engagement member *following a continuously upward rise in a first rotational direction*, with the *helical* engagement member *continuously* drawing the leg into the socket when the leg is rotated relative to the socket *in the first direction*." Support for this recitation and amendment is found throughout the Specification and Drawings, including without limitation para. 22 (US 2006/0278139), which recites that the "helical-section-shaped grooves 7.2 extend with a slight rise with respect to the horizontal position of the insert 7."

In sharp contrast, the slot 35 and niche 38 configuration of D'Estrube (1) is not helical, (2) does not follow any continuous upward rise in a first rotational direction, and (3) does not continuously draw any leg into the socket when the leg is rotated in the first direction. Specifically, D'Estrube expressly discloses that the slot 35 is "horizontal" and that the niche 38 is "downwardly formed," rather than having an upward rise (D'Estrube at Col. 3, lines 15-20). As such, neither feature is helical (e.g., forms a spiral (Webster's Ninth New Collegiate Dictionary)), and neither feature follows a "continuously upward rise in a first rotational direction" as recited in claim 19. Rather, the openings between the shells 33, 34 of D'Estrube are either horizontal (35) or vertical (38), and are not used to *continuously* draw a leg into a socket, but rather to secure a seat against rotation (D'Estrube at Cols. 1 and 4).

Consequently, the lugs 43 of D'Estrube are first rotated in slot 35 *without* any continuous rise, and then are moved *axially* within the niche 38, *without* rotation. The distinction is important.

In particular, as disclosed by Applicants, “the engagement elements 7.2 and the peg-like protrusions 2.2 are laid out so that, *in the course of turning*, the upper end section 2.1 is drawn into the inner receiver *until* it is firmly clamped with its outer circumference against the inside 7.1 of the inner receiver” (US 2006/0278139 at para. 23 (emphasis added), *see also* para. 9 (end section “can be fixed in place by subsequent rotation”)). In this way, the leg is drawn into the socket *as it is rotated* and *until* it is firmly clamped. As such, rotation is stopped along the continuous rise as the leg is firmly clamped, regardless of various tolerance buildups or slight differences in respective lengths of legs inserted into the sockets.

In contrast, the leg of D'Estrube is not *continuously* drawn in by *rotational* movement of the lugs 43 in the slot 35 or niche 38. Rather, the leg of D'Estrube is either rotated without axial movement, or is moved axially without rotation. In this regard, Applicants note that the disclosure in D'Estrube of positioning the lugs 43 so as to jam the lugs 44 against the supports or the shaft 42 against the ferrule 31 (D'Estrube at Col. 4, lines 28-36) does not correspond to continuously *drawing* the leg into the socket by way of rotation. Rather, this configuration merely *laterally* wedges the leg against the support or ferrule. Accordingly, the rejection over Neal and D'Estrube should also be withdrawn for at least this additional reason.

Finally, one of ordinary skill in the art would not combine the rotationally/axially moveable components of D'Estrube with the elastomeric mounting component of Neal. Use of an elastomeric friction fit as seen in Neal would not allow the rotational and axial movement contemplated by D'Estrube, and one of ordinary skill in the art would not combine these elements. Accordingly, the combination of Neal and D'Estrube fails to disclose that which is claimed by independent claim 19, as well as the claims that depend from it.

**Conclusion:**

Applicants respectfully submit that this application is now in condition for allowance. Should another interview be helpful to resolve any questions, Applicants respectfully invite the Examiner to contact the undersigned attorney at 312 321-4713.

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